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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABEL SANDOVAL-JIMENEZ,

Plaintiff,

vs.

KING COUNTY, a municipal
corporation; KING COUNTY
SHERIFF'S DEPARTMENT; JOHN DOE)
#1 and CITY OF SEATTLE, a
municipal corporation, Seattle)
Police Department, and
JOE DOE #2,

Defendants.

NO. **05-2051** *ISL*

COMPLAINT FOR DAMAGES



05-CV-02051-CMP

I. JURISDICTION AND VENUE

1.1 Jurisdiction is proper in the federal courts as it
is alleged that the federal civil rights of the plaintiff
were violated, as is more fully set forth herein.

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2 1.2 Venue is proper in the Western District of
3 Washington as all events alleged herein occurred in Seattle,
4 King County, Washington.

5 II. PARTIES

6 2.1 The plaintiff is a Latino male who at all times
7 material hereto resided in King County, Washington.

8 2.2 Defendant King County is a municipal organization
9 organized under the laws of the State of Washington and is
10 located in the Western District of Washington.

11 2.3 Defendant John Doe #1, whose name is unknown, at
12 all times material hereto was employed as a law enforcement
13 officer by defendant King County, Washington. Once his name
14 is known, this Complaint will be amended to reflect his true
15 name.

16 2.4 Defendant City of Seattle is a municipal
17 corporation organized under the laws of the State of
18 Washington and is located within the Western District of
19 Washington.

20 2.5 Defendant John Doe #2, whose name is unknown, at
21 all times material hereto, was employed as a law enforcement
22 officer by defendant City of Seattle. Once his name is
23 known, the Complaint will be amended to reflect his true
24 name.

25 III. STATUTORY PREREQUISITES
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2 3.1 The plaintiff properly and timely filed tort
3 claims with the defendant City of Seattle and defendant King
4 County, which rejected said claims of the plaintiff.
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7 IV. GENERAL ALLEGATIONS AS TO ALL CAUSES
8 OF ACTION

9 4.1 On or about January 13, 2004, the plaintiff was
10 employed. It was his practice, after work, to jog home from
11 work, as this was his preferred form of exercise.

12 4.2 As the plaintiff was jogging home, after work, an
13 unmarked car pulled up next to him and two men, dressed in
14 plain clothes, jumped out and assaulted him, causing him
15 physical and psychological injuries.

16 4.3 At no time prior to the assault, or during the
17 assault, did either of the two men identify themselves as
18 law enforcement officers.

19 4.4 At no time prior to the assault did either of the
20 two men ask the plaintiff his name, what he was doing, or
21 what he had been doing. No investigation was conducted of
22 the plaintiff prior to his being assaulted by the two men.

23 4.5 One of the men was Joe Doe #1, who was a law
24 enforcement officer employed by defendant King County, who
25 was then on duty as a plain clothes law enforcement officer.

26 4.6 One of the men was Joe Doe #2, who was a law
enforcement officer employed by defendant City of Seattle,

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2 who was on duty as a plain clothes law enforcement
3 officer.

4 4.7 During and after the assault, the plaintiff
5 repeatedly requested to know what was going on.

6 4.8 Prior to the assault on the plaintiff, neither Joe
7 Doe #1 or Joe Doe #2 identified themselves to the plaintiff
8 as police officers.

9 4.9 Prior to the assault, the defendant had not done
10 anything whatsoever that justified his detention or arrest.

11 4.10 It should have been readily apparent to the
12 officers, defendants Joe Doe #1 and Joe Doe #2, that they
13 had mistaken the defendant for someone else that they were
14 investigating. Nevertheless, despite the lack of probable
15 cause, after the assault on the plaintiff, they handcuffed
16 him and arrested him, with the assistance of two other
17 identified officers that arrived in a second vehicle.

18 4.11 The plaintiff was taken to a nearby precinct where
19 he was placed in a holding cell. He did not receive any
20 medical treatment for injuries sustained during the assault
21 by the individual defendants herein.

22 4.12 After a period of time, the plaintiff was asked if
23 he had any cocaine or marijuana on him and where he lived.
24 This same officer, who is believed to be defendant Joe Doe
25 #2, told the plaintiff not to tell anyone about what had
26 happened. The plaintiff was then released and driven home.

4.13 Once the plaintiff was home, he was immediately
taken by his landlord to a local hospital to get medical

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2 care for his injuries. While the plaintiff was at the
3 hospital, he was visited by other officers of the defendant
4 City of Seattle.

5 4.14 Since this incident occurred, the plaintiff
6 attempted, without avail, to obtain the names of the
7 individual police officer defendant but was only able to
8 determine that one was employed by the defendant City of
9 Seattle and one was employed by defendant King County.

10 4.15 The municipal defendants have refused to provide
11 the plaintiff with any information other than to deny his
12 administrative claims for damages.

13 4.16 Defendant King County is responsible for the
14 actions of its employees, as set forth herein, under the
15 doctrine of respondeat superior.

16 4.17 Defendant City of Seattle is responsible for the
17 actions of its employees, as set forth herein, under the
18 doctrine of respondeat superior.

19 4.18 All actions of the individual defendants were
20 taken during the course of their employment as law
21 enforcement officer, and were taken within the scope of
22 their assigned duties.

23 V. CLAIMS FOR RELIEF

24 5.1 Each of the above allegations is incorporated
25 herein by reference.

26 5.2 The defendants acted under the color of law,
including under the color of federal and state law, custom
or usage when taking the actions complained of herein.

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2 5.2 Pursuant to 42 U.S.C. Section 1983, plaintiff has
3 been deprived of federal rights by the defendants, including
4 the fourth amendment right to be free from unreasonable
5 seizures and the due process clause as set forth in the
6 fifth amendment of the United States, as well as the 14th
7 amendment.

8 5.3 The acts complained herein constitute the tort of
9 assault.

10 5.4 The acts complained of herein constitute the tort
11 of unlawful imprisonment.

12 5.5 The acts complained of herein constitute false
13 arrest.

14 5.6 The acts complained of herein constitute the torts
15 of negligent and intentional infliction of emotional
16 distress.

17 5.7 The acts complained of constitute negligent
18 supervision and training as to the municipal defendants.

19 VI. DAMAGES

20 6.1 As a direct and proximate result of the wrongful
21 acts of the defendants, as alleged herein, the plaintiff has
22 sustained special and general damages in the form of medical
23 expenses, lost wages, physical and emotional pain and
24 suffering, and a lessened enjoyment of life, all in an
25 amount to be proven at trial.

26 6.2 Under 42 U.S.C. Section 1983, the plaintiff is
entitled to attorneys fees and costs, in an amount to be
proven at trial, as well as punitive damages.

PRAYER FOR RELIEF

WHEREFORE, the plaintiff requests that the court grant the following relief, jointly and severally:

A. For judgment in such amount as shall be proven at trial.

B. For punitive damages.

C. For attorney's fees and costs.

D. That it grant such other relief which is just and equitable.

Dated this 9TH day of December, 2005.



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